

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RALPH W. BAKER, JR.,

Plaintiff,

- against -

TA-NEHISI P. COATES, BCP LITERARY, INC., THE
ATLANTIC, LAURENE POWELL JOBS, DAVID G.
BRADLEY, BERTELSMANN SE & CO. KGaA, SPIEGEL &
GRAU, CHRIS JACKSON, NICOLE COUNTS, VICTORY
MATSUI, KENYATTA MATTHEWS, THE APOLLO,
MACEO-LYN, KAMILAH FORBES, SUSAN KELECHI
WATSON, WARNER BROS. DISCOVERY, INC., OPRAH
WINFREY, THE WALT DISNEY COMPANY, APPLE, INC.,
PLAN B, MGM STUDIOS, RYAN COOGLER, JOE ROBERT
COLE, ROXANE GAY, YONA HARVEY

Defendants.
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1:22-cv-07986-JPO-SLC

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants Apollo Theater Foundation, Inc. (the “Apollo”) and Kamilah Forbes’ (“Forbes”) Motion to Dismiss Plaintiff’s Complaint, dated December 9, 2022, the Declaration of Robert E. Griffin (the “Griffin Declaration”), and Exhibit A to the Griffin Declaration, the Apollo and Forbes, by and through undersigned counsel, hereby move this court, before the Honorable Paul Oetken, United States District Judge, at the Daniel Patrick Moynihan United States District Courthouse, 500 Pearl Street, Courtroom 706, New York, New York 10007, for an order: (i) dismissing Plaintiff’s Complaint as against the Apollo and Forbes with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and (ii) for such other relief as the Court deems just and proper.

Dated: New York, New York
December 9, 2022

SCHULTE ROTH & ZABEL LLP

By: /s/ Howard Schiffman
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*Attorneys for Defendants Apollo Theater
Foundation, Inc. and Kamilah Forbes*